

**HAGNER & ZOHLMAN, LLC**

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Attorneys for Cureton Caplan, P.C. n/k/a Cureton Clark, P.C.

By: Andrew T. McGuire, Esquire

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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PATRICK BRADY, et al.,

Plaintiffs

v.

AIR LINE PILOTS ASSOCIATION,

Defendant.

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Civil Action No.: 02-cv-2917 (JEI)

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**NOTICE OF MOTION TO IMPRESS AN ATTORNEY'S CHARGING LIEN  
ON BEHALF OF CURETON CLARK, P.C. f/k/a CURETON CAPLAN, P.C.**

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**PLEASE TAKE NOTICE THAT**, on February 16, 2013, at 9:00 in the forenoon, or as soon thereafter as counsel may be heard, Cureton Clark, P.C. f/k/a Cureton Caplan, P.C. ("Cureton Clark"), by its counsel Thomas J. Hagner, Esquire of the law firm of Hagner & Zohlman, LLC, shall move in the above-named Court for an Order:

1. Impressing Cureton Clark's attorney's charging lien for outstanding services rendered and disbursements incurred by the Plaintiffs herein in a sum to be determined, which lien shall attach to any settlement, decision, award, judgment or final order in which Plaintiffs may have or derive an interest in connection with the above-captioned cause, and the proceeds thereof in whosoever hands they may come, including, without limitation, the

parties and their respective counsel, pursuant to N.J.S.A. 2A:13-5; Shalit v. Shalit, 323 N.J. Super. 351 (Ch. Div. 1999); and H. & H. Ranch Homes, Inc. v. Smith, 54 N.J. Super. 347 (App. Div. 1959);

2. Enjoining and restraining the parties, their counsel, and any succeeding attorneys from dissipating, distributing, transferring, or otherwise disposing of any proceeds or property in which the Plaintiffs may have or derive an interest as a result of the above-entitled cause in a manner adversely affecting the Petitioner Cureton Clark's aforesaid lien which shall contain and attach thereto;
3. Ordering that any proceeds to which Plaintiffs may become entitled as a result of the above-captioned cause, whether by settlement or court adjudicated disposition, be held in escrow by either the plaintiff's or defendant's counsel until such time as the parties reach an agreement or the Court determines whether all or any part of same shall be distributed to the Petitioner; and
4. Scheduling further proceedings for the determination and enforcement of Petitioner Cureton Clark's attorney's charging lien by means of a Case Management Order fixing dates for the (1) filing of responsive pleadings by the parties hereto; (2) completion of pretrial discovery; and (3) a pretrial conference and trial date upon which this matter will proceed as a plenary suit to establish the amount of Petitioner's attorney lien and enter judgment thereon.

**PLEASE TAKE FURTHER NOTICE THAT** in support of this motion, Cureton Clark adopts the factual assertions of the Petition and affidavit of Jerald R. Cution, Esq. filed herewith, as well as the arguments and authority contained in the accompanying Memorandum of Law.

Oral argument is requested only in the event that this motion is opposed.

A proposed form of Order is attached for the convenience of the Court.

**HAGNER & ZOHLMAN, LLC**  
Attorneys for Cureton Caplan, P.C.  
n/k/a Cureton Clark, P.C.

Dated: *February 8, 2013*

By:   
Andrew T. McGuire, Esq.